

EXHIBIT D

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10 *Interim Lead Counsel for the
11 Indirect Purchaser Plaintiffs*

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14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 IN RE: CATHODE RAY TUBE (CRT)) Master File No. CV-07-5944 SC
17 ANTITRUST LITIGATION)

) MDL No. 1917

)

)

This Document Relates To:) INDIRECT PURCHASER PLAINTIFFS'
18) RESPONSES AND OBJECTIONS TO
19 ALL INDIRECT PURCHASER ACTIONS) DEFENDANT SAMSUNG SDI AMERICA,
20) INC'S FIRST SET OF
21) INTERROGATORIES TO THE INDIRECT
22) PURCHASER PLAINTIFFS

23 PROPOUNDING PARTY: SAMSUNG SDI AMERICA, INC.

24 RESPONDING PARTY: INDIRECT PURCHASER PLAINTIFFS

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Indirect Purchaser Plaintiffs ("Plaintiffs") hereby respond to defendant Samsung SDI America, Inc.'s ("Defendant") First Set of Interrogatories ("Interrogatories") to the Indirect Purchaser Plaintiffs as follows:

GENERAL OBJECTIONS

1. Plaintiffs have not completed their investigation of the facts pertaining to this action and the discovery process is just commencing. The following responses are based upon information known at this time and are given without prejudice to Plaintiffs' right to supplement

1 these responses prior to trial or to produce evidence based on subsequently discovered
2 information. Plaintiffs' responses are based upon, and are therefore limited by, Plaintiffs' present
3 knowledge and recollection, and consequently, Plaintiffs reserve the right to supplement and/or
4 modify any and all of their objections and responses if they become aware of information and/or
5 documents which warrant such action.

6 2. Plaintiffs object to each of Defendant's Interrogatories, Definitions and
7 Instructions to the extent it seeks documents or information (i) not relevant to the subject matter
8 of this action; (ii) not relevant to any claim or defense in this action; (iii) not reasonably
9 calculated to lead to the discovery of admissible evidence; (iv) different from, inconsistent with,
10 or in addition to what is required to be produced under the Federal Rules of Civil Procedure, the
11 Civil Local Rules of the United States District Court for the Northern District of California, any
12 existing Court Order in this case, or any other applicable rule or law.

13 3. Plaintiffs object to the Interrogatories to the extent that they are vague, ambiguous
14 and require speculation to determine their meanings.

15 4. Plaintiffs object to the Interrogatories to the extent they seek to discover
16 information and/or documents from persons or entities who are not parties to this action and
17 which information or documents are not now and never have been in the possession, custody or
18 control of the Plaintiffs.

19 5. Plaintiffs object to the Interrogatories to the extent that they impose an undue
20 burden on Plaintiffs by, for example, requiring Plaintiffs to search for documents: (a) the value
21 of which, if any, is substantially outweighed by the burden or cost of searching for them, or (b)
22 that are equally available to Defendant or already in Defendant's possession.

23 6. Plaintiffs object to the Interrogatories to the extent they call for information and/or
24 documents protected by the attorney-client privilege, the work product doctrine, or any other
25 applicable privilege or protection. This objection includes, but is not limited to, information that
26 Defendant seeks regarding communications between Plaintiffs' attorneys and/or between
27 Plaintiffs and their attorneys made during or in anticipation of litigation. Inadvertent

1 identification or production of any such information in a document shall not constitute a waiver
2 of any such privilege with respect to the document produced or the subject matter thereof, or a
3 waiver of the Plaintiffs' right to object to the use of any such document during trial or any
4 subsequent proceeding. To the extent that any such protected information is inadvertently
5 produced in response to the Interrogatories, the production of such information shall not
6 constitute a waiver of Plaintiffs' right to assert the applicability of any privilege or immunity to
7 the information, and any such document and all copies or images thereof shall be promptly
8 returned, sequestered or destroyed upon demand pursuant to Rule 26(b)(5)(B).

9 7. Plaintiffs object to the Interrogatories as premature "contention interrogatories" in
10 that they: (i) call for opinions and contentions relating to fact or application of law to fact that
11 Plaintiffs should not be required to disclose until discovery has been substantially completed; (ii)
12 call for legal conclusions; and (iii) are likely to require supplemental answers, prematurely
13 commit Plaintiff to positions, and artificially narrow issues. Such information cannot be fairly
14 and practically provided until after the completion of discovery. The interests of judicial
15 economy and efficiency dictate that contention discovery is more appropriate after a substantial
16 amount of merits discovery has been conducted. To the extent that Defendant's Interrogatories
17 request the contentions of Plaintiffs in this case, those contentions are set forth in large part in
18 Indirect Purchaser Plaintiffs' Consolidated Amended Complaint (the "Complaint"). The
19 allegations of the Complaint are incorporated by reference in each of the answers to the
20 Interrogatories set forth herein.

21 8. Plaintiffs object to the Interrogatories to the extent they purport to require
22 Plaintiffs to disclose information or produce documents concerning any expert or other person or
23 entity retained by counsel to assist in the preparation of the Plaintiffs' case: (a) to the extent any
24 such person or entity will not be designated by the Plaintiffs as a trial witness on the ground that
25 such disclosure is neither relevant nor reasonably calculated to lead to the discovery of
26 admissible evidence; and (b) on the grounds that any such present disclosure is prejudicial to the
27 Plaintiffs' preparation of this case and is not required by the Federal Rules of Civil Procedure.

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1 9. Plaintiffs object to the Interrogatories to the extent they call for information and/or
2 documents of a confidential and/or proprietary nature.

3 10. Plaintiffs object to Defendant's definitions of "You," and "Your" as overly broad.

4 11. Plaintiffs object to Defendant's definition of "Document" as overly broad to the
5 extent it purports to define the term more broadly than Federal Rule of Civil Procedure 34.

6 12. Plaintiffs object to the definition of the terms "Identity" or "Identify" in the
7 Interrogatories as being overly broad and requesting information that is not reasonably calculated
8 to lead to the discovery of admissible evidence. Further, the application of this definition will
9 necessarily render any interrogatory vague, ambiguous and burdensome.

10 13. By responding to the Requests, Plaintiffs do not concede to the truth or accuracy
11 of any characterization, allegation, or statement made in the Requests.

12 14. Plaintiffs reserve their rights to object on any ground to the use of the Responses
13 to or the subject matter of the Requests in any subsequent proceeding, and at the trial of this
14 action.

15 15. Plaintiffs' failure to object to any interrogatory, or Plaintiffs' agreement to
16 produce documents in response to an interrogatory is not, and shall not, be construed as an
17 admission of the relevance or admissibility of any such information or of the propriety of any of
18 the Interrogatories.

19 16. Plaintiffs' Responses set forth herein are made without in any way waiving: (a) all
20 rights to object to these Interrogatories, the Responses, or the subject matter thereof, as to the
21 competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose, in
22 any proceeding in, or at the trial of, this or any other action; (b) the right to object on any ground
23 to the use of these Responses, or the subject matter thereof, in any proceeding in, or at the trial of,
24 this or any other action; or (c) the right to object on any ground at any time to requests to admit,
25 interrogatories, or other discovery procedures involving or relating to the subject matter of these
26 Requests.

1 17. In each instance in which Plaintiffs have agreed to respond to the interrogatory by
2 producing responsive documents pursuant to a request contained in Defendant's First Request for
3 Production of Documents to the Indirect Purchaser Plaintiffs, the Response means that Plaintiffs
4 will produce responsive, non-objectionable, reasonably accessible, non-privileged documents
5 within Plaintiffs' possession, custody, or control that are located after a reasonable search and
6 that will not require unduly burdensome efforts to identify and produce.

7 18. Each general objection is hereby expressly incorporated by reference into each of
8 the following specific objections and responses.

INTERROGATORIES

10 | INTERROGATORY NO. 1:

11 State with specificity the factual basis (including the IDENTITY of each DOCUMENT,
12 PERSON or other evidentiary source upon which YOU rely) for YOUR allegation that
13 DEFENDANTS "conspired to fix, raise, maintain and/or stabilize the prices" of monitors
14 containing CRTs, as alleged in, *inter alia*, Paragraph 1 and 15 of the COMPLAINT

15 | RESPONSE TO INTERROGATORY NO. 1:

In conjunction with the aforementioned General Objections, Plaintiffs object to this interrogatory as premature in that it seeks “contention” discovery to which Defendant is not entitled at this time: The interests of judicial economy and efficiency dictate that contention discovery is more appropriate after a substantial amount of merits discovery has been conducted.

See, e.g., In re Convergent Tech. Sec. Litig., 108 F.R.D. 328 (N.D. Cal. 1985) (“There is considerable recent authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is undertaken.”).

26 Here, for a number of reasons, the discovery process is just commencing and Plaintiffs
27 have only recently received limited merits discovery, making this interrogatory especially

1 inappropriate at this time. First, the United States Department of Justice ("DOJ") intervened in
 2 this case and successfully moved for a stay of all merits discovery. That stay was partially lifted
 3 on March 8, 2010, to allow limited merits discovery to proceed. No deposition discovery is
 4 permitted until November 1, 2010.

5 Second, defendants have not yet responded to several of Plaintiffs' outstanding discovery
 6 requests. On June 10, 2008, Plaintiffs served their First Request for Production of Documents on
 7 all defendants. None of the defendants have responded to these requests. In addition, Paragraph
 8 4 of the stipulated Order entered on September 12, 2008 required defendants to produce
 9 documents or information regarding their sales, costs, capacity, participation in trade
 10 associations, employees, and their storage/retention policies. Many defendants refused to
 11 respond to these discovery requests on the basis that Plaintiffs' Complaint had not yet survived a
 12 Rule 12(b)(6) motion to dismiss under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).
 13 These defendants have still not responded to these requests despite the fact that the Court has
 14 denied defendants' motions to dismiss under *Twombly*. Moreover, the information Plaintiffs
 15 received from those defendants that did respond to these requests was woefully inadequate.

16 Plaintiffs served their Second Set of Requests for Production of Documents on defendants
 17 on March 25, 2010. Pursuant to an agreement between the parties, defendants' responses are not
 18 due until May 28, 2010. And it will be another several months after that before Plaintiffs receive
 19 any documents pursuant to these requests. Much of the information in support of Plaintiffs'
 20 claims will be contained in defendants' own documents, which defendants have so far withheld
 21 from Plaintiffs. Accordingly, Plaintiffs object to this Interrogatory on the grounds that it is
 22 premature because it seeks information to be provided by defendants to Plaintiffs, which
 23 information is more readily available to Defendant, or is already known to Defendant.

24 Third, the limited merits discovery that Plaintiffs have received has also been provided to
 25 Defendant. On March 8, 2010, certain defendants produced documents to all parties that had
 26 previously been produced to the DOJ in response to a grand jury subpoena. That production
 27 contains some of the factual basis for Plaintiffs' allegations. Thus, Plaintiffs further object that
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1 this Interrogatory seeks to impose an undue burden on Plaintiffs by requiring Plaintiffs to search
2 for information that is equally available to Defendant, and is already in Defendant's possession.

3 In sum, the information requested by Defendant cannot fairly and practically be provided
4 until after the completion of discovery. Production of such information at this time could
5 irreparably prejudice Plaintiffs' further investigation, development and prosecution of the
6 litigation. This Interrogatory serves no purpose other than to harass and burden Plaintiffs and to
7 unnecessarily delay and needlessly increase the cost of litigation to all parties.

8 Finally, Plaintiffs object to this Interrogatory on the grounds that it seeks information
9 and/or documents protected by the attorney-client privilege, the work product doctrine, or any
10 other applicable privilege or protection. Plaintiffs also object to this Interrogatory as compound.

11 Subject to and without waiving the foregoing General and specific objections, Plaintiffs
12 refer Defendant to the documents produced to the Department of Justice in connection with the
13 investigation of the Cathode Ray Tube industry, from which some of the information called for
14 by this interrogatory may be derived or ascertained pursuant to Federal Rule of Civil Procedure
15 33(d). Once Plaintiffs have received the documents and information requested by their
16 outstanding discovery requests, and had an opportunity to review and analyze those documents
17 and information, as well as the documents previously produced to the DOJ, Plaintiffs will meet
18 and confer with Defendant to work out a schedule for supplementing this response.

19 **INTERROGATORY NO. 2:**

20 State with specificity the factual basis (including the IDENTITY of each DOCUMENT,
21 PERSON, or other evidentiary source upon which you rely) for YOUR allegation that
22 DEFENDANTS intended to and did "pass on the full cost" CRTs in their sales of monitors
23 containing CRTs, as alleged in, *inter alia*, Paragraph 238 of the Complaint.

24 **RESPONSE TO INTERROGATORY NO. 2:**

25 See Plaintiffs' Response To Interrogatory No. 1 above.

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INTERROGATORY NO. 3:

For each separate DEFENDANT (regardless of its affiliation with any other DEFENDANT) state with specificity the factual basis (including the IDENTITY of each DOCUMENT, PERSON, or other evidentiary source upon which YOU rely) for YOUR allegation that it "conspired to fix, raise, maintain and/or stabilize prices" at which products containing CRTs were sold in the United States, as alleged in, *inter alia*, Paragraph 1 of the COMPLAINT.

RESPONSE TO INTERROGATORY NO. 3:

See Plaintiffs' Response To Interrogatory No. 1 above.

INTERROGATORY NO. 4:

For each separate DEFENDANT (regardless of its affiliation with any other DEFENDANT) state with specificity the factual basis (including the IDENTITY of each DOCUMENT, PERSON, or other evidentiary source upon which YOU rely) for YOUR allegation that it agreed to allocate market shares and customers of sales of products containing CRTs, as alleged in, *inter alia*, Paragraphs 156(i) and (j) of the COMPLAINT.

RESPONSE TO INTERROGATORY NO. 4:

See Plaintiffs' Response To Interrogatory No. 1 above.

INTERROGATORY NO. 5:

IDENTIFY each PERSON who provided information to answer these Interrogatories.

RESPONSE TO INTERROGATORY NO. 5:

In conjunction with the aforementioned General Objections, Plaintiffs object to this Interrogatory on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Plaintiffs also object to this Interrogatory to the extent it calls for information protected by the attorney work product doctrine.

Subject to and without waiving the foregoing General and specific objections, Plaintiffs respond that the information contained in these Responses was provided by counsel.

1 Dated: May 7, 2010

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10 Indirect Purchaser Plaintiffs*

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 IN RE: CATHODE RAY TUBE (CRT)) Master File No. CV-07-5944 SC
14 ANTITRUST LITIGATION)
15) MDL No. 1917
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18 This Document Relates To:) INDIRECT PURCHASER PLAINTIFFS'
19) RESPONSES AND OBJECTIONS TO
20 ALL INDIRECT PURCHASER ACTIONS) DEFENDANT SAMSUNG SDI AMERICA,
21) INC.'S FIRST SET OF REQUESTS FOR
22) PRODUCTION OF DOCUMENTS TO THE
23) INDIRECT PURCHASER PLAINTIFFS

24 PROPOUNDING PARTY: SAMSUNG SDI AMERICA, INC.

25 RESPONDING PARTY: INDIRECT PURCHASER PLAINTIFFS

26 SET NO.: ONE

27 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Indirect
28 Purchaser Plaintiffs ("Plaintiffs") hereby respond to defendant Samsung SDI America, Inc.'s
("Defendant") First Set of Document Requests ("Requests") to the Indirect Purchaser Plaintiffs as
follows:

29 **GENERAL OBJECTIONS**

30 1. Plaintiffs have not completed their investigation of the facts pertaining to this
31 action and the discovery process is just commencing. The following responses are based upon
32 information known at this time and are given without prejudice to Plaintiffs' right to supplement

1 these responses prior to trial or to produce evidence based on subsequently discovered
2 information. Plaintiffs' responses are based upon, and are therefore limited by, Plaintiffs' present
3 knowledge and recollection, and consequently, Plaintiffs reserve the right to supplement and/or
4 modify any and all of their objections and responses if they become aware of information and/or
5 documents which warrant such action.

6 2. Plaintiffs object to each of Defendant's Requests, Definitions and Instructions to
7 the extent it seeks documents or information (i) not relevant to the subject matter of this action;
8 (ii) not relevant to any claim or defense in this action; (iii) not reasonably calculated to lead to the
9 discovery of admissible evidence; (iv) different from, inconsistent with, or in addition to what is
10 required to be produced under the Federal Rules of Civil Procedure, the Civil Local Rules of the
11 United States District Court for the Northern District of California, any existing Court Order in
12 this case, or any other applicable rule or law.

13 3. Plaintiffs object to the Requests to the extent that they are vague, ambiguous and
14 require speculation to determine their meanings.

15 4. Plaintiffs object to the Requests to the extent they seek to discover information
16 and/or documents from persons or entities who are not parties to this action and which
17 information or documents are not now and never have been in the possession, custody or control
18 of the Plaintiffs.

19 5. Plaintiffs object to the Requests to the extent that they impose an undue burden on
20 Plaintiffs by, for example, requiring Plaintiffs to search for documents: (a) the value of which, if
21 any, is substantially outweighed by the burden or cost of searching for them, or (b) that are
22 equally available to Defendant or already in Defendant's possession.

23 6. Plaintiffs object to the Requests to the extent they call for information and/or
24 documents protected by the attorney-client privilege, the work product doctrine, or any other
25 applicable privilege or protection. This objection includes, but is not limited to, information that
26 Defendant seeks regarding communications between Plaintiffs' attorneys and/or between
27 Plaintiffs and their attorneys made during or in anticipation of litigation. Inadvertent
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1 identification or production of any such information in a document shall not constitute a waiver
2 of any such privilege with respect to the document produced or the subject matter thereof, or a
3 waiver of the Plaintiffs' right to object to the use of any such document during trial or any
4 subsequent proceeding. To the extent that any such protected information is inadvertently
5 produced in response to the Requests, the production of such information shall not constitute a
6 waiver of Plaintiffs' right to assert the applicability of any privilege or immunity to the
7 information, and any such document and all copies or images thereof shall be promptly returned,
8 sequestered or destroyed upon demand pursuant to Rule 26(b)(5)(B).

9 7. Plaintiffs object to the Requests to the extent they purport to require Plaintiffs to
10 disclose information or produce documents concerning any expert or other person or entity
11 retained by counsel to assist in the preparation of the Plaintiffs' case: (a) to the extent any such
12 person or entity will not be designated by the Plaintiffs as a trial witness on the ground that such
13 disclosure is neither relevant nor reasonably calculated to lead to the discovery of admissible
14 evidence; and (b) on the grounds that any such present disclosure is prejudicial to the Plaintiffs'
15 preparation of this case and is not required by the Federal Rules of Civil Procedure.

16 8. Plaintiffs object to the Requests to the extent they call for information and/or
17 documents of a confidential and/or proprietary nature.

18 9. Plaintiffs object to Defendant's definitions of "You," and "Your" as overly broad.

19 10. Plaintiffs object to Defendant's definition of "Document" as overly broad to the
20 extent it purports to define the term more broadly than Federal Rule of Civil Procedure 34.

21 11. Plaintiffs object to each of the Requests to the extent that it is unreasonably
22 cumulative or duplicative, including but not limited to Requests calling for the production of "all
23 documents" when less than all documents is sufficient.

24 12. By responding to the Requests, Plaintiffs do not concede to the truth or accuracy
25 of any characterization, allegation or statement made in the Requests.

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1 13. Plaintiffs reserve their rights to object on any ground to the use of the Responses
2 to or the subject matter of the Requests in any subsequent proceeding, and at the trial of this
3 action.

4 14. Plaintiffs' failure to object to any Request or Plaintiffs' agreement to produce
5 documents in response to a Request, is not, and shall not, be construed as an admission of the
6 relevance or admissibility of any such information or of the propriety of any of the Requests.

7 15. Any statement herein that Plaintiffs will provide information or produce
8 documents in response to an individual request does not mean that Plaintiffs in fact have any such
9 information or documents, or that any such information or documents exist. Rather, any such
10 statement reflects the intention of Plaintiffs, subject to their objections, to conduct a reasonable
11 search for responsive documents and information.

12 16. Plaintiffs' Responses set forth herein are made without in any way waiving: (a) all
13 rights to object to these Requests, the Responses, or the subject matter thereof, as to the
14 competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose, in
15 any proceeding in, or at the trial of, this or any other action; (b) the right to object on any ground
16 to the use of these Responses, or the subject matter thereof, in any proceeding in, or at the trial of,
17 this or any other action; or (c) the right to object on any ground at any time to requests to admit,
18 interrogatories, or other discovery procedures involving or relating to the subject matter of these
19 Requests.

20 17. In each instance in which Plaintiffs have agreed to produce responsive documents,
21 the Response means that Plaintiffs will produce responsive, non-objectionable, reasonably
22 accessible, non-privileged documents within Indirect Purchaser Plaintiffs' possession, custody, or
23 control that are located after a reasonable search and that will not require unduly burdensome
24 efforts to identify and produce.

25 18. Each general objection is hereby expressly incorporated by reference into each of
26 the following specific objections and responses.

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DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1:

ALL DOCUMENTS that support YOUR responses to Interrogatory No. 1

RESPONSE TO DOCUMENT REQUEST NO. 1:

In conjunction with the aforementioned General Objections, Plaintiffs object to this request as premature insofar as it seeks "contention" discovery to which Defendant is not entitled at this time. This request seeks, in effect, a list of trial exhibits that Plaintiffs are not yet required to produce. The interests of judicial economy and efficiency dictate that contention discovery is more appropriate after a substantial amount of merits discovery has been conducted. Here, for a number of reasons, the discovery process is just commencing and Plaintiffs have only recently received limited merits discovery.

First, the United States Department of Justice (“DOJ”) intervened in this case and successfully moved for a stay of all merits discovery. That stay was partially lifted on March 8, 2010, to allow limited merits discovery to proceed. No deposition discovery is permitted until November 1, 2010.

Second, defendants have not yet responded to several of Plaintiffs' outstanding discovery requests. On June 10, 2008, Plaintiffs served their First Request for Production of Documents on defendants. None of the defendants have responded to these requests. In addition, Paragraph 12 of the stipulated Order entered on September 12, 2008 required defendants to produce documents or information regarding their sales, costs, capacity, participation in trade associations, employees, and their storage/retention policies. Many defendants refused to respond to these discovery requests on the basis that Plaintiffs' Complaint had not yet survived a Rule 12(b)(6) motion to dismiss under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). These defendants have still not responded to these requests despite the fact that the Court has denied defendants' motions to dismiss under *Twombly*. Moreover, the information Plaintiffs received from those defendants that did respond to these requests was woefully inadequate.

1 Plaintiffs served their Second Set of Requests for Production of Documents on defendants
 2 on March 25, 2010. Pursuant to an agreement between the parties, defendants' responses are not
 3 due until May 28, 2010. And it will be another several months after that before Plaintiffs receive
 4 any documents pursuant to these requests. Much of the evidence in support of Plaintiffs' claims
 5 will be contained in defendants' own documents, which defendants have so far withheld from
 6 Plaintiffs. Accordingly, Plaintiffs object that Defendant's request is premature because it seeks
 7 documents to be provided by defendants to Plaintiffs and so are more readily available to
 8 Defendant, or are already in the Defendant's possession.

9 Third, the limited merits discovery that Plaintiffs have received has also been provided to
 10 Defendant. On March 8, 2010, certain defendants produced documents to all parties that had
 11 previously been produced to the DOJ in response to a grand jury subpoena. That production
 12 contains some documents that support Plaintiffs' allegations. Thus, Plaintiffs further object that
 13 Defendant's request imposes an undue burden on Plaintiffs by requiring Plaintiffs to search for
 14 documents that are equally available to Defendant, and are already in Defendant's possession.

15 In sum, the documents requested by Defendant cannot fairly and practically be provided
 16 until after the completion of discovery. Production of such information at this time could
 17 irreparably prejudice Plaintiffs' further investigation, development and prosecution of the
 18 litigation. Defendant's request serves no purpose other than to harass and burden Plaintiffs and
 19 to unnecessarily delay and needlessly increase the cost of litigation to all parties.

20 Finally, Plaintiffs also object to this request to the extent it calls for information and/or
 21 documents protected by the attorney-client privilege, the work product doctrine, or any other
 22 applicable privilege or protection. Plaintiffs further object to this request as compound,
 23 overbroad and containing multiple subparts, which if broken apart, reveals numerous separate
 24 document requests.

25 Subject to and without waiving the foregoing General and specific objections, Plaintiffs
 26 refer Defendant to the documents produced to the Department of Justice in connection with the
 27 investigation of the Cathode Ray Tube industry, which were served on all parties by certain
 28

1 defendants on March 8, 2010. Once Plaintiffs have received the documents and information
2 requested by their outstanding discovery requests, and had an opportunity to review and analyze
3 those documents, as well as the documents previously produced to the DOJ, Plaintiffs will meet
4 and confer with Defendant to work out a schedule for supplementing this response.

5 **DOCUMENT REQUEST NO. 2:**

6 All DOCUMENTS that support YOUR response to Interrogatory No. 2.

7 **RESPONSE TO DOCUMENT REQUEST NO. 2:**

8 See Plaintiffs' Response To Document Request No. 1 above.

9 **DOCUMENT REQUEST NO. 3:**

10 All DOCUMENTS that support YOUR response to Interrogatory No. 3.

11 **RESPONSE TO DOCUMENT REQUEST NO. 3:**

12 See Plaintiffs' Response To Document Request No. 1 above.

13 **DOCUMENT REQUEST NO. 4:**

14 All DOCUMENTS that support YOUR response to Interrogatory No. 4.

15 **RESPONSE TO DOCUMENT REQUEST NO. 4:**

16 See Plaintiffs' Response To Document Request No. 1 above.

18 Dated: May 7, 2010

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28 PROPOUNDING PARTY: SAMSUNG ELECTRONICS AMERICA, INC.

PROVIDING PARTY: INDIRECT PURCHASER PLAINTIFFS

SET NO.: ONE

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1. Plaintiffs have not completed their investigation of the facts pertaining to this action and the discovery process is just commencing. The following responses are based upon information known at this time and are given without prejudice to Plaintiffs' right to supplement

1 these responses prior to trial or to produce evidence based on subsequently discovered
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5 documents which warrant such action.

6 2. Plaintiffs object to each of Defendant's Interrogatories, Definitions and
7 Instructions to the extent it seeks documents or information (i) not relevant to the subject matter
8 of this action; (ii) not relevant to any claim or defense in this action; (iii) not reasonably
9 calculated to lead to the discovery of admissible evidence; (iv) different from, inconsistent with,
10 or in addition to what is required to be produced under the Federal Rules of Civil Procedure, the
11 Civil Local Rules of the United States District Court for the Northern District of California, any
12 existing Court Order in this case, or any other applicable rule or law.

13 3. Plaintiffs object to the Interrogatories to the extent that they are vague, ambiguous
14 and require speculation to determine their meanings.

15 4. Plaintiffs object to the Interrogatories to the extent they seek to discover
16 information and/or documents from persons or entities who are not parties to this action and
17 which information or documents are not now and never have been in the possession, custody or
18 control of the Plaintiffs.

19 5. Plaintiffs object to the Interrogatories to the extent that they impose an undue
20 burden on Plaintiffs by, for example, requiring Plaintiffs to search for documents: (a) the value
21 of which, if any, is substantially outweighed by the burden or cost of searching for them, or (b)
22 that are equally available to Defendant or already in Defendant's possession.

23 6. Plaintiffs object to the Interrogatories to the extent they call for information and/or
24 documents protected by the attorney-client privilege, the work product doctrine, or any other
25 applicable privilege or protection. This objection includes, but is not limited to, information that
26 Defendant seeks regarding communications between Plaintiffs' attorneys and/or between
27 Plaintiffs and their attorneys made during or in anticipation of litigation. Inadvertent

1 identification or production of any such information in a document shall not constitute a waiver
 2 of any such privilege with respect to the document produced or the subject matter thereof, or a
 3 waiver of the Plaintiffs' right to object to the use of any such document during trial or any
 4 subsequent proceeding. To the extent that any such protected information is inadvertently
 5 produced in response to the Interrogatories, the production of such information shall not
 6 constitute a waiver of Plaintiffs' right to assert the applicability of any privilege or immunity to
 7 the information, and any such document and all copies or images thereof shall be promptly
 8 returned, sequestered or destroyed upon demand pursuant to Rule 26(b)(5)(B).

9 7. Plaintiffs object to the Interrogatories as premature "contention interrogatories" in
 10 that they: (i) call for opinions and contentions relating to fact or application of law to fact that
 11 Plaintiffs should not be required to disclose until discovery has been substantially completed; (ii)
 12 call for legal conclusions; and (iii) are likely to require supplemental answers, prematurely
 13 commit Plaintiff to positions, and artificially narrow issues. Such information cannot be fairly
 14 and practically provided until after the completion of discovery. The interests of judicial
 15 economy and efficiency dictate that contention discovery is more appropriate after a substantial
 16 amount of merits discovery has been conducted. To the extent that Defendant's Interrogatories
 17 request the contentions of Plaintiffs in this case, those contentions are set forth in large part in
 18 Indirect Purchaser Plaintiffs' Consolidated Amended Complaint (the "Complaint"). The
 19 allegations of the Complaint are incorporated by reference in each of the answers to the
 20 Interrogatories set forth herein.

21 8. Plaintiffs object to the Interrogatories to the extent they purport to require
 22 Plaintiffs to disclose information or produce documents concerning any expert or other person or
 23 entity retained by counsel to assist in the preparation of the Plaintiffs' case: (a) to the extent any
 24 such person or entity will not be designated by the Plaintiffs as a trial witness on the ground that
 25 such disclosure is neither relevant nor reasonably calculated to lead to the discovery of
 26 admissible evidence; and (b) on the grounds that any such present disclosure is prejudicial to the
 27 Plaintiffs' preparation of this case and is not required by the Federal Rules of Civil Procedure.
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1 9. Plaintiffs object to the Interrogatories to the extent they call for information and/or
2 documents of a confidential and/or proprietary nature.

3 10. Plaintiffs object to Defendant's definitions of "You," and "Your" as overly broad.

4 11. Plaintiffs object to Defendant's definition of "Document" as overly broad to the
5 extent it purports to define the term more broadly than Federal Rule of Civil Procedure 34.

6 12. Plaintiffs object to the definition of the term "identify" in the Interrogatories as
7 being overly broad and requesting information that is not reasonably calculated to lead to the
8 discovery of admissible evidence. Further, the application of this definition will necessarily
9 render any interrogatory vague, ambiguous, and burdensome.

10 13. By responding to the Requests, Plaintiffs do not concede to the truth or accuracy
11 of any characterization, allegation, or statement made in the Requests.

12 14. Plaintiffs reserve their rights to object on any ground to the use of the Responses
13 to or the subject matter of the Requests in any subsequent proceeding, and at the trial of this
14 action.

15 15. Plaintiffs' failure to object to any interrogatory, or Plaintiffs' agreement to
16 produce documents in response to an interrogatory is not, and shall not, be construed as an
17 admission of the relevance or admissibility of any such information or of the propriety of any of
18 the Interrogatories.

19 16. Plaintiffs' Responses set forth herein are made without in any way waiving: (a) all
20 rights to object to these Interrogatories, the Responses, or the subject matter thereof, as to the
21 competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose, in
22 any proceeding in, or at the trial of, this or any other action; (b) the right to object on any ground
23 to the use of these Responses, or the subject matter thereof, in any proceeding in, or at the trial of,
24 this or any other action; or (c) the right to object on any ground at any time to requests to admit,
25 interrogatories, or other discovery procedures involving or relating to the subject matter of these
26 Requests.

1 17. In each instance in which Plaintiffs have agreed to respond to the interrogatory by
2 producing responsive documents pursuant to a request contained in Defendant's First Request for
3 Production of Documents to the Indirect Purchaser Plaintiffs, the Response means that Plaintiffs
4 will produce responsive, non-objectionable, reasonably accessible, non-privileged documents
5 within Plaintiffs' possession, custody, or control that are located after a reasonable search and
6 that will not require unduly burdensome efforts to identify and produce.

7 18. Each general objection is hereby expressly incorporated by reference into each of
8 the following specific objections and responses.

INTERROGATORIES

10 | INTERROGATORY NO. 1:

11 Identify each Person who provided information to answer these Interrogatories

12 | RESPONSE TO INTERROGATORY NO. 1:

13 In conjunction with the aforementioned General Objections, Plaintiffs object to this
14 Interrogatory on the grounds that it is overbroad, unduly burdensome and seeks information that
15 is neither relevant nor calculated to lead to the discovery of admissible evidence. Plaintiffs also
16 object to this Interrogatory to the extent it calls for information protected by the attorney work
17 product doctrine.

18 Subject to and without waiving the foregoing General and specific objections, Plaintiffs
19 respond that the information contained in these Responses was provided by counsel

20 | INTERROGATORY NO. 2:

With respect to televisions, as defined in Paragraph 15(b) of the Complaint as "products containing CRTs", please state with specificity the factual basis (including the identification of each Document, Person or other evidentiary source) for the allegation in Paragraph 1 of the Complaint that Defendants "conspired to fix, raise, maintain and/or stabilize prices" of those "CRT Products", namely televisions containing CRTs.

26 //

1 **RESPONSE TO INTERROGATORY NO. 2:**

2 In conjunction with the aforementioned General Objections, Plaintiffs object to this
 3 interrogatory as premature in that it seeks "contention" discovery to which Defendant is not
 4 entitled at this time: The interests of judicial economy and efficiency dictate that contention
 5 discovery is more appropriate after a substantial amount of merits discovery has been conducted.
 6 See, e.g., *In re Convergent Tech. Sec. Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) ("There is
 7 considerable recent authority for the view that the wisest general policy is to defer propounding
 8 and answering contention interrogatories until near the end of the discovery period."); *In re Ebay*
 9 *Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008)
 10 ("Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked
 11 before discovery is undertaken.").

12 Here, for a number of reasons, the discovery process is just commencing and Plaintiffs
 13 have only recently received limited merits discovery, making this interrogatory especially
 14 inappropriate at this time. First, the United States Department of Justice ("DOJ") intervened in
 15 this case and successfully moved for a stay of all merits discovery. That stay was partially lifted
 16 on March 8, 2010, to allow limited merits discovery to proceed. No deposition discovery is
 17 permitted until November 1, 2010.

18 Second, defendants have not yet responded to several of Plaintiffs' outstanding discovery
 19 requests. On June 10, 2008, Plaintiffs served their First Request for Production of Documents on
 20 all defendants. None of the defendants have responded to these requests. In addition, Paragraph
 21 4 of the stipulated Order entered on September 12, 2008 required defendants to produce
 22 documents or information regarding their sales, costs, capacity, participation in trade
 23 associations, employees, and their storage/retention policies. Many defendants refused to
 24 respond to these discovery requests on the basis that Plaintiffs' Complaint had not yet survived a
 25 Rule 12(b)(6) motion to dismiss under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).
 26 These defendants have still not responded to these requests despite the fact that the Court has
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1 denied defendants' motions to dismiss under *Twombly*. Moreover, the information Plaintiffs
2 received from those defendants that did respond to these requests was woefully inadequate.

3 Plaintiffs served their Second Set of Requests for Production of Documents on defendants
4 on March 25, 2010. Pursuant to an agreement between the parties, defendants' responses are not
5 due until May 28, 2010. And it will be another several months after that before Plaintiffs receive
6 any documents pursuant to these requests. Much of the information in support of Plaintiffs'
7 claims will be contained in defendants' own documents, which defendants have so far withheld
8 from Plaintiffs. Accordingly, Plaintiffs object to this Interrogatory on the grounds that it is
9 premature because it seeks information to be provided by defendants to Plaintiffs, which
10 information is more readily available to Defendant, or is already known to Defendant.

11 Third, the limited merits discovery that Plaintiffs have received has also been provided to
12 Defendant. On March 8, 2010, certain defendants produced documents to all parties that had
13 previously been produced to the DOJ in response to a grand jury subpoena. That production
14 contains some of the factual basis for Plaintiffs' allegations. Thus, Plaintiffs further object that
15 this Interrogatory seeks to impose an undue burden on Plaintiffs by requiring Plaintiffs to search
16 for information that is equally available to Defendant, and is already in Defendant's possession.

17 In sum, the information requested by Defendant cannot fairly and practically be provided
18 until after the completion of discovery. Production of such information at this time could
19 irreparably prejudice Plaintiffs' further investigation, development and prosecution of the
20 litigation. This Interrogatory serves no purpose other than to harass and burden Plaintiffs and to
21 unnecessarily delay and needlessly increase the cost of litigation to all parties.

22 Finally, Plaintiffs object to this Interrogatory on the grounds that it seeks information
23 and/or documents protected by the attorney-client privilege, the work product doctrine, or any
24 other applicable privilege or protection. Plaintiffs also object to this Interrogatory as compound.

25 Subject to and without waiving the foregoing General and specific objections, Plaintiffs
26 refer Defendant to the documents produced to the Department of Justice in connection with the
27 investigation of the Cathode Ray Tube industry, from which some of the information called for
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1 by this interrogatory may be derived or ascertained pursuant to Federal Rule of Civil Procedure
2 33(d). Once Plaintiffs have received the documents and information requested by their
3 outstanding discovery requests, and had an opportunity to review and analyze those documents
4 and information, as well as the documents previously produced to the DOJ, Plaintiffs will meet
5 and confer with Defendant to work out a schedule for supplementing this response.

6 **INTERROGATORY NO. 3:**

7 With respect to products other than televisions and monitors, as defined in Paragraph
8 15(b) of the Complaint as "products containing CRTs", please state with specificity the factual
9 basis (including the identification of each Document, Person or other evidentiary source) for the
10 allegation in Paragraph 1 of the Complaint that Defendants "conspired to fix, raise, maintain
11 and/or stabilize prices" of those "CRT Products", namely products other than televisions or
12 monitors containing CRTs.

13 **RESPONSE TO INTERROGATORY NO. 3:**

14 See Plaintiffs' Response To Interrogatory No. 2 above.

15 **INTERROGATORY NO. 4:**

16 With respect to the allegation in Paragraph 238 of the Complaint that "Defendants
17 intended to pass on the full cost of" CRTs in their televisions containing CRTs and "in fact did
18 so", please state with specificity the factual basis (including the identification of each Document,
19 Person or other evidentiary source) for this allegation.

20 **RESPONSE TO INTERROGATORY NO. 4:**

21 See Plaintiffs' Response To Interrogatory No. 2 above.

22 **INTERROGATORY NO. 5:**

23 With respect to the allegation in Paragraph 238 of the Complaint that "Defendants
24 intended to pass on the full cost of" CRTs in their finished products containing CRTs, other than
25 televisions and computer monitors, and "in fact did so", please state with specificity the factual
26 basis (including the identification of each Document, Person or other evidentiary source) for this
27 allegation.

1 RESPONSE TO INTERROGATORY NO. 5:

2 *See Plaintiffs' Response To Interrogatory No. 2 above.*

3 INTERROGATORY NO. 6:

4 For each Defendant (regardless of its purported affiliation with any other Defendant),
5 state with specificity the factual basis (including any Documents, Persons or other evidentiary
6 sources) for Your allegations that it conspired, combined, and contracted with any of the other
7 Defendants "to fix, raise, maintain and/or stabilize the prices of CRT Products sold in the United
8 States," as alleged in, *inter alia*, Paragraph 1 of the Complaint.

9 RESPONSE TO INTERROGATORY NO. 6:

10 *See Plaintiffs' Response To Interrogatory No. 2 above.*

12 Dated: May 7, 2010

TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP

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10 *Interim Lead Counsel for the
11 Indirect Purchaser Plaintiffs*

12
13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 IN RE: CATHODE RAY TUBE (CRT)) Master File No. CV-07-5944 SC
17 ANTITRUST LITIGATION)
18) MDL No. 1917
19)
20)
21 This Document Relates To:)
22) INDIRECT PURCHASER PLAINTIFFS'
23) RESPONSES AND OBJECTIONS TO
24 ALL INDIRECT PURCHASER ACTIONS) DEFENDANT SAMSUNG ELECTRONICS
25) AMERICA, INC.'S FIRST SET OF
26) REQUESTS FOR PRODUCTION OF
27) DOCUMENTS TO THE INDIRECT
28 PURCHASER PLAINTIFFS

PROPOUNDING PARTY: SAMSUNG ELECTRONICS AMERICA, INC.

RESPONDING PARTY: INDIRECT PURCHASER PLAINTIFFS

SET NO.: ONE

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Indirect Purchaser Plaintiffs ("Plaintiffs") hereby respond to defendant Samsung Electronics America, Inc.'s ("Defendant") First Set of Document Requests ("Requests") to the Indirect Purchaser Plaintiffs as follows:

GENERAL OBJECTIONS

1. Plaintiffs have not completed their investigation of the facts pertaining to this action and the discovery process is just commencing. The following responses are based upon

1 information known at this time and are given without prejudice to Plaintiffs' right to supplement
2 these responses prior to trial or to produce evidence based on subsequently discovered
3 information. Plaintiffs' responses are based upon, and are therefore limited by, Plaintiffs' present
4 knowledge and recollection, and consequently, Plaintiffs reserve the right to supplement and/or
5 modify any and all of their objections and responses if they become aware of information and/or
6 documents which warrant such action.

7 2. Plaintiffs object to each of Defendant's Requests, Definitions and Instructions to
8 the extent it seeks documents or information (i) not relevant to the subject matter of this action;
9 (ii) not relevant to any claim or defense in this action; (iii) not reasonably calculated to lead to the
10 discovery of admissible evidence; (iv) different from, inconsistent with, or in addition to what is
11 required to be produced under the Federal Rules of Civil Procedure, the Civil Local Rules of the
12 United States District Court for the Northern District of California, any existing Court Order in
13 this case, or any other applicable rule or law.

14 3. Plaintiffs object to the Requests to the extent that they are vague, ambiguous and
15 require speculation to determine their meanings.

16 4. Plaintiffs object to the Requests to the extent they seek to discover information
17 and/or documents from persons or entities who are not parties to this action and which
18 information or documents are not now and never have been in the possession, custody or control
19 of the Plaintiffs.

20 5. Plaintiffs object to the Requests to the extent that they impose an undue burden on
21 Plaintiffs by, for example, requiring Plaintiffs to search for documents: (a) the value of which, if
22 any, is substantially outweighed by the burden or cost of searching for them, or (b) that are
23 equally available to Defendant or already in Defendant's possession.

24 6. Plaintiffs object to the Requests to the extent they call for information and/or
25 documents protected by the attorney-client privilege, the work product doctrine, or any other
26 applicable privilege or protection. This objection includes, but is not limited to, information that
27 Defendant seeks regarding communications between Plaintiffs' attorneys and/or between
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1 Plaintiffs and their attorneys made during or in anticipation of litigation. Inadvertent
2 identification or production of any such information in a document shall not constitute a waiver
3 of any such privilege with respect to the document produced or the subject matter thereof, or a
4 waiver of the Plaintiffs' right to object to the use of any such document during trial or any
5 subsequent proceeding. To the extent that any such protected information is inadvertently
6 produced in response to the Requests, the production of such information shall not constitute a
7 waiver of Plaintiffs' right to assert the applicability of any privilege or immunity to the
8 information, and any such document and all copies or images thereof shall be promptly returned,
9 sequestered or destroyed upon demand pursuant to Rule 26(b)(5)(B).

10 7. Plaintiffs object to the Requests to the extent they purport to require Plaintiffs to
11 disclose information or produce documents concerning any expert or other person or entity
12 retained by counsel to assist in the preparation of the Plaintiffs' case: (a) to the extent any such
13 person or entity will not be designated by the Plaintiffs as a trial witness on the ground that such
14 disclosure is neither relevant nor reasonably calculated to lead to the discovery of admissible
15 evidence; and (b) on the grounds that any such present disclosure is prejudicial to the Plaintiffs'
16 preparation of this case and is not required by the Federal Rules of Civil Procedure.

17 8. Plaintiffs object to the Requests to the extent they call for information and/or
18 documents of a confidential and/or proprietary nature.

19 9. Plaintiffs object to Defendant's definitions of "You," and "Your" as overly broad.

20 10. Plaintiffs object to Defendant's definition of "Document" as overly broad to the
21 extent it purports to define the term more broadly than Federal Rule of Civil Procedure 34.

22 11. Plaintiffs object to each of the Requests to the extent that it is unreasonably
23 cumulative or duplicative, including but not limited to Requests calling for the production of "all
24 documents" when less than all documents is sufficient.

25 12. By responding to the Requests, Plaintiffs do not concede to the truth or accuracy
26 of any characterization, allegation, or statement made in the Requests.

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1 13. Plaintiffs reserve their rights to object on any ground to the use of the Responses
2 to or the subject matter of the Requests in any subsequent proceeding, and at the trial of this
3 action.

4 14. Plaintiffs' failure to object to any Request or Plaintiffs' agreement to produce
5 documents in response to a Request, is not, and shall not, be construed as an admission of the
6 relevance or admissibility of any such information or of the propriety of any of the Requests.

7 15. Any statement herein that Plaintiffs will provide information or produce
8 documents in response to an individual request does not mean that Plaintiffs in fact have any such
9 information or documents, or that any such information or documents exist. Rather, any such
10 statement reflects the intention of Plaintiffs, subject to their objections, to conduct a reasonable
11 search for responsive documents and information.

12 16. Plaintiffs' Responses set forth herein are made without in any way waiving: (a) all
13 rights to object to these Requests, the Responses, or the subject matter thereof, as to the
14 competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose, in
15 any proceeding in, or at the trial of, this or any other action; (b) the right to object on any ground
16 to the use of these Responses, or the subject matter thereof, in any proceeding in, or at the trial of,
17 this or any other action; or (c) the right to object on any ground at any time to requests to admit,
18 interrogatories, or other discovery procedures involving or relating to the subject matter of these
19 Requests.

20 17. In each instance in which Plaintiffs have agreed to produce responsive documents,
21 the Response means that Plaintiffs will produce responsive, non-objectable, reasonably
22 accessible, non-privileged documents within Indirect Purchaser Plaintiffs' possession, custody, or
23 control that are located after a reasonable search and that will not require unduly burdensome
24 efforts to identify and produce.

25 18. Each general objection is hereby expressly incorporated by reference into each of
26 the following specific objections and responses.

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1 **DOCUMENT REQUESTS**

2 **DOCUMENT REQUEST NO. 1:**

3 Each Document that supports Your response to Interrogatory No. 2.

4 **RESPONSE TO DOCUMENT REQUEST NO. 1:**

5 In conjunction with the aforementioned General Objections, Plaintiffs object to this
6 request as premature insofar as it seeks "contention" discovery to which Defendant is not entitled
7 at this time. This request seeks, in effect, a list of trial exhibits that Plaintiffs are not yet required
8 to produce. The interests of judicial economy and efficiency dictate that contention discovery is
9 more appropriate after a substantial amount of merits discovery has been conducted. Here, for a
10 number of reasons, the discovery process is just commencing and Plaintiffs have only recently
11 received limited merits discovery.

12 First, the United States Department of Justice ("DOJ") intervened in this case and
13 successfully moved for a stay of all merits discovery. That stay was partially lifted on March 8,
14 2010, to allow limited merits discovery to proceed. No deposition discovery is permitted until
15 November 1, 2010.

16 Second, defendants have not yet responded to several of Plaintiffs' outstanding discovery
17 requests. On June 10, 2008, Plaintiffs served their First Request for Production of Documents on
18 all defendants. None of the defendants have responded to these requests. In addition, Paragraph
19 4 of the stipulated Order entered on September 12, 2008 required defendants to produce
20 documents or information regarding their sales, costs, capacity, participation in trade
21 associations, employees, and their storage/retention policies. Many defendants refused to
22 respond to these discovery requests on the basis that Plaintiffs' Complaint had not yet survived a
23 Rule 12(b)(6) motion to dismiss under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).
24 These defendants have still not responded to these requests despite the fact that the Court has
25 denied defendants' motions to dismiss under *Twombly*. Moreover, the information Plaintiffs
26 received from those defendants that did respond to these requests was woefully inadequate.

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1 Plaintiffs served their Second Set of Requests for Production of Documents on defendants
 2 on March 25, 2010. Pursuant to an agreement between the parties, defendants' responses are not
 3 due until May 28, 2010. And it will be another several months after that before Plaintiffs receive
 4 any documents pursuant to these requests. Much of the evidence in support of Plaintiffs' claims
 5 will be contained in defendants' own documents, which defendants have so far withheld from
 6 Plaintiffs. Accordingly, Plaintiffs object that Defendant's request is premature because it seeks
 7 documents to be provided by defendants to Plaintiffs and so are more readily available to
 8 Defendant, or are already in the Defendant's possession.

9 Third, the limited merits discovery that Plaintiffs have received has also been provided to
 10 Defendant. On March 8, 2010, certain defendants produced documents to all parties that had
 11 previously been produced to the DOJ in response to a grand jury subpoena. That production
 12 contains some documents that support Plaintiffs' allegations. Thus, Plaintiffs further object that
 13 Defendant's request imposes an undue burden on Plaintiffs by requiring Plaintiffs to search for
 14 documents that are equally available to Defendant, and are already in Defendant's possession.

15 . In sum, the documents requested by Defendant cannot fairly and practically be provided
 16 until after the completion of discovery. Production of such information at this time could
 17 irreparably prejudice Plaintiffs' further investigation, development and prosecution of the
 18 litigation. Defendant's request serves no purpose other than to harass and burden Plaintiffs and
 19 to unnecessarily delay and needlessly increase the cost of litigation to all parties.

20 Finally, Plaintiffs also object to this request to the extent it calls for information and/or
 21 documents protected by the attorney-client privilege, the work product doctrine, or any other
 22 applicable privilege or protection. Plaintiffs further object to this request as compound,
 23 overbroad and containing multiple subparts, which if broken apart, reveals numerous separate
 24 document requests.

25 Subject to and without waiving the foregoing General and specific objections, Plaintiffs
 26 refer Defendant to the documents produced to the Department of Justice in connection with the
 27 investigation of the Cathode Ray Tube industry, which were served on all parties by certain
 28

1 defendants on March 8, 2010. Once Plaintiffs have received the documents and information
2 requested by their outstanding discovery requests, and had an opportunity to review and analyze
3 those documents, as well as the documents previously produced to the DOJ, Plaintiffs will meet
4 and confer with Defendant to work out a schedule for supplementing this response.

5 **DOCUMENT REQUEST NO. 2:**

6 Each Document that supports Your response to Interrogatory No. 3.

7 **RESPONSE TO DOCUMENT REQUEST NO. 2:**

8 See Plaintiffs' Response To Document Request No. 1 above.

9 **DOCUMENT REQUEST NO. 3:**

10 Each Document that supports Your response to Interrogatory No. 4.

11 **RESPONSE TO DOCUMENT REQUEST NO. 3:**

12 See Plaintiffs' Response To Document Request No. 1 above.

13 **DOCUMENT REQUEST NO. 4:**

14 Each Document that supports Your response to Interrogatory No. 5.

15 **RESPONSE TO DOCUMENT REQUEST NO. 4:**

16 See Plaintiffs' Response To Document Request No. 1 above.

17 **DOCUMENT REQUEST NO. 5:**

18 Each Document that supports Your responses to Interrogatory No. 6.

19 **RESPONSE TO DOCUMENT REQUEST NO. 5:**

20 See Plaintiffs' Response To Document Request No. 1 above.

21 **DOCUMENT REQUEST NO. 6:**

22 Any other Document that supports Your allegations that each of the SE Defendants
23 conspired to fix, raise, maintain and/or stabilize the price at which finished products containing
24 CRTs were sold in the United States.

25 **RESPONSE TO REQUEST NO. 6:**

26 See Plaintiffs' Response To Document Request No. 1 above.

27 **DOCUMENT REQUEST NO. 7:**

Each Document that supports Your allegations that each of the SE Defendants intended to pass on the full cost of CRTs in their finished products containing CRTs and in fact did so.

RESPONSE TO DOCUMENT REQUEST NO. 7:

See Plaintiffs' Response To Document Request No. 1 above.

DOCUMENT REQUEST NO. 8:

Each document that supports Your allegation that any other Defendant intended to pass on the full cost of CRTs in their finished products containing CRTs and in fact did so.

RESPONSE TO REQUEST NO. 8:

See Plaintiffs' Response To Document Request No. 1 above.

Dated: May 7, 2010

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